

Appendix A

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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA

24 Plaintiff,
25 v.

**PLAINTIFF ORACLE'S FED. R.
CIV. P. 26(a)(3) WITNESS LIST**

26 GOOGLE INC.

27 Defendant.

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby submits its witness list for both the
 2 liability and damages phases of the trial, pursuant to Fed. R. Civ. P. 26(a)(3) and the Court’s
 3 Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases.

4 Oracle identifies the name, contact information, and substance of the testimony of each
 5 witness it expects to present or may present at trial, other than solely for impeachment. Pursuant
 6 to the Court’s Guidelines, non-cumulative testimony is identified below in *italics*.

7 **I. LIVE WITNESSES**

8 Oracle expects to present live testimony from the following witnesses:

| Witness | Contact Information | Substance of Trial Testimony |
|-------------------|---|---|
| Bloch, Joshua | Google. Contact through Google’s counsel. | <i>Mr. Bloch is a Google engineer who was involved in the development of Android. He was formerly an engineer at Sun Microsystems. He is expected to testify regarding Google’s development of Android and inclusion of Java technology therein; Google’s copying of Java APIs into Android; the value and importance of the Java APIs; Google’s copying of certain Java code into Android; Google’s awareness of Sun’s Java intellectual property rights and the need for Google to obtain a Java license for Android; Google’s Java-related discussions with Sun and Oracle; and facts relating to Google’s willful patent and copyright infringement.</i> |
| Bornstein, Daniel | Google. Contact through Google’s counsel. | <i>Mr. Bornstein is a Google engineer who was involved in the development of Android. He is expected to testify regarding Google’s development of Android and inclusion of Java technology therein; the functionality of the infringing components of Android, including the Dalvik virtual machine, the dexopt component, the dx tool, the zygote process, and the java.security framework; Google’s copying of Java APIs into Android; Google’s awareness of Sun’s Java intellectual property rights and the need for Google to obtain a Java license for Android; Google’s Java-related discussions with Sun and Oracle; and facts relating to Google’s willful patent and copyright infringement.</i> |

| 1 | Witness | Contact Information | Substance of Trial Testimony |
|---|----------------|--|--|
| 2 | Brady, Patrick | Google. Contact through Google's counsel. | <i>Mr. Brady is Google's Director of Android Partner Engineering. He is expected to testify regarding Google's use of Android devices for testing and other purposes; Google's development of Android applications; Google's involvement in and knowledge of development of Android devices by third parties; Google's compatibility requirements for Android implementations; and facts relating to Google's willful patent and copyright infringement</i> |
| 3 | Cockburn, Iain | Expert retained by Oracle. Contact through Oracle's counsel. | <i>Dr. Cockburn is an expert retained by Oracle to testify regarding damages. He will testify regarding the matters disclosed in his expert reports, including his damages analysis for patent and copyright infringement and all supporting information.</i> |
| 4 | Ellison, Larry | Oracle. Contact through Oracle's counsel. | <i>Mr. Ellison is Oracle's founder and CEO. He will testify regarding Oracle's reasons for acquiring Sun Microsystems; the importance of Java to Oracle's business; Oracle's use and licensing of Java prior to its acquisition of Sun; the effort and resources that Oracle has invested in developing Java; Oracle's Java licensing business; the pre-lawsuit Java-related discussions between Oracle and Google; and the harm caused by Android.</i> |
| 5 | Gosling, James | Former Sun and Google. Currently with Liquid Robotics, Inc. Contact through Michael Lisi, Esq., Krieg Keller Sloan Reilly & Roman, 555 Montgomery Street, 17 th Floor, San Francisco, CA 94111. | <i>Dr. Gosling was formerly a software engineer and Chief Technology Officer at Sun Microsystems. He is also the named inventor on Oracle's '104 patent. He will testify regarding the inventions of the '104 patent and their benefits; the development history, design, and innovations of the Java platform, including the Java virtual machine and class libraries; the creation and importance of the Java APIs; and the importance of Java implementation compatibility and Sun's efforts to ensure compatibility and prevent fragmentation.</i> |
| 6 | Gupta, Vineet | Former Oracle and Sun. 2963 Richland Avenue, San Jose, CA 95125. | <i>Mr. Gupta was formerly the Senior Director, Chief Technology Strategy Officer at Sun Microsystems, and subsequently an employee of Oracle. He is expected to testify about Sun's and Oracle's Java business and Java licensing; Sun's and Oracle's efforts to prevent fragmentation of the Java platform and eco-system, including Java compatibility requirements; Java-related discussions with Danger, Android, and Google; and the harm caused by Android.</i> |

| 1 | Witness | Contact Information | Substance of Trial Testimony |
|---|-------------------|---|---|
| 2 | Kaul, Jeet | Former Sun and Oracle. Currently with Juniper Networks. Contact through Oracle's counsel. | <i>Mr. Kaul was formerly the Vice President of the Java Clients Software Group at Sun Microsystems. He will testify regarding Sun's Java business and Java licensing; Sun's efforts to develop a smart phone software stack; the impact of Android on Sun's Acadia project; Sun's efforts to prevent fragmentation of the Java platform and eco-system, including Sun's Java compatibility requirements; Sun's efforts to protect Java intellectual property; and Java-related discussions between Sun and Google.</i> |
| 3 | Knopoff, Kathleen | Former Sun. Contact through Oracle's counsel. | <i>Ms. Knopoff was formerly the Senior Director of Business Operations at Sun Microsystems. She will testify regarding Sun's Java business and Java licensing; the 2005-2006 Java-related discussions between Sun and Google (Project Armstrong); Sun's business model and projected revenues for Project Armstrong; and the harm caused by Android.</i> |
| 4 | Lee, Bob | Former Google. 883 46th Avenue, San Francisco, CA 94121. | <i>Mr. Lee was formerly a Google engineer involved in the development of Android. He is expected to testify regarding Google's development of Android and inclusion of Java technology therein; Google's copying of Java APIs into Android; the value and importance of the Java APIs; Google's awareness of Sun's Java intellectual property rights and the need for Google to obtain a Java license for Android; and Google's Java-related discussions with Sun.</i> |
| 5 | Lindholm, Tim | Google. Contact through Google's counsel. | <i>Mr. Lindholm is a Google engineer who was formerly employed by Sun. He is expected to testify regarding the development history, design, and innovations of the Java platform, including the Java virtual machine and class libraries; the importance of Java implementation compatibility to Sun and its efforts to prevent fragmentation; Google's development of Android and inclusion of Java technology therein; Google's consideration of alternatives to Java for Android; Google's awareness of Sun's Java intellectual property rights and the need for Google to obtain a Java license for Android; Google's Java-related discussions with Android; Google's Java-related discussions with Sun and Oracle; and facts relating to Google's willful patent and copyright infringement.</i> |

| 1 | Witness | Contact Information | Substance of Trial Testimony |
|----|----------------|--|--|
| 2 | McFadden, Andy | Google. Contact through Google's counsel. | <i>Mr. McFadden is a Google engineer who was involved in the development of Android. He is expected to testify regarding Google's development of Android and inclusion of Java technology therein; the functionality of the infringing components of Android, including the Dalvik virtual machine, the dexopt component, the dx tool, the zygote process, and the java.security framework; Google's copying of Java APIs into Android; Google's awareness of Sun's Java intellectual property rights and the need for Google to obtain a Java license for Android; Google's Java-related discussions with Sun and Oracle; and facts relating to Google's willful patent and copyright infringement.</i> |
| 3 | Mitchell, John | Expert retained by Oracle. Contact through Oracle's counsel. | <i>Dr. Mitchell is an expert retained by Oracle to testify regarding patent and copyright infringement. He will testify regarding the matters disclosed in his copyright reports of July 29, August 12, and August 19, 2011, and his patent reports of August 8 and September 1, 2011.</i> |
| 4 | Morrill, Dan | Google. Contact through Google's counsel. | <i>Mr. Morrill is Google's Technical Program Manager for Android Compatibility. He is expected to testify regarding Google's compatibility requirements for Android implementations; Google's use of Android devices for testing and other purposes; Google's development of Android applications; Google's involvement in and knowledge of development of Android devices by third parties; and facts relating to Google's willful patent and copyright infringement.</i> |
| 5 | Page, Larry | Google. Contact through Google's counsel. | <i>Mr. Page is Google's co-founder and CEO. He is expected to testify regarding Google's Java-related discussions with Sun and Oracle; Google's awareness of Sun's Java intellectual property rights and the need for Google to obtain a Java license for Android; the benefits associated with Java and Google's lack of alternatives; Google's business plan and marketing strategy for Android, including the acquisition of Motorola; benefits to Google from Android; Google's revenue and profit projections for Android, including advertising revenues; Google's efforts to prevent Android fragmentation; and facts relating to Google's willful patent and copyright infringement.</i> |
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| 1 | Witness | Contact Information | Substance of Trial Testimony |
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| 2 | Reinhold, Mark | Oracle. Contact through Oracle's counsel. | <i>Dr. Reinhold is Chief Architect of the Java Platform Group at Oracle. He will testify regarding the development history, design, and innovations of the Java platform, including the Java virtual machine and class libraries; the key developers involved in creating the Java platform; the creation and importance of the Java APIs; Sun's copyright registrations for Java; patented features of the Java platform; the effort and resources that Sun and Oracle have invested in developing Java; the nature of the Java SE, ME, and EE platforms; Sun's Java business and Java licensing; and Oracle's products that practice the asserted claims of the patents-in-suit.</i> |
| 9 | Rizvi, Hasan | Oracle. Contact through Oracle's counsel. | <i>Mr. Rizvi is Oracle's Senior Vice President of Fusion Middleware and Java. He will testify regarding Oracle's licensing practices for Java; and the harm caused by Android.</i> |
| 12 | Rubin, Andy | Google. Contact through Google's counsel. | <i>Mr. Rubin is a founder of Android Inc. and the head of Google's Android division. He is expected to testify regarding development of Android and inclusion of Java technology therein; the Java license obtained by Danger Inc.; discussions between Android Inc. and Sun regarding a Java license; Google's awareness of Sun's Java intellectual property rights and the need for Google to obtain a Java license for Android; Google's Java-related discussions with Sun and Oracle; the benefits associated with Java and Google's lack of alternatives; Google's business plan and marketing strategy for Android, including the acquisition of Motorola; benefits to Google from Android; Google's revenue and profit projections for Android, including advertising revenues; Google's efforts to prevent Android fragmentation; and facts relating to Google's willful patent and copyright infringement.</i> |

| 1 | Witness | Contact Information | Substance of Trial Testimony |
|---|-----------------|--|--|
| 2 | Schmidt, Eric | Google. Contact through Google's counsel. | <i>Mr. Schmidt is Google's Chairman and former CEO. He was previously Chief Technology Officer at Sun Microsystems. He is expected to testify regarding Google's Java-related discussions with Sun and Oracle; Google's awareness of Sun's Java intellectual property rights and the need for Google to obtain a Java license for Android; his knowledge of Java technology and Sun's Java licensing practices from his tenure at Sun; the benefits associated with Java and Google's lack of alternatives; Google's business plan and marketing strategy for Android, including the acquisition of Motorola; benefits to Google from Android; Google's revenue and profit projections for Android, including advertising revenues; Google's efforts to prevent Android fragmentation; and facts relating to Google's willful patent and copyright infringement.</i> |
| 3 | Screven, Edward | Oracle. Contact through Oracle's counsel. | <i>Mr. Screven is Oracle's Chief Corporate Architect. He will testify regarding Oracle's reasons for acquiring Sun Microsystems; the importance of Java to Oracle's business; the harm caused by Android; and Oracle's own maintenance of a Java license prior to the Sun acquisition.</i> |
| 4 | Shugan, Steven | Expert retained by Oracle. Contact through Oracle's counsel. | <i>Dr. Shugan is an expert retained by Oracle to conduct a consumer study to evaluate the effect of particular technology features on the demand for Android devices. He will testify regarding the matters disclosed in his September 12, 2011 expert report.</i> |
| 5 | Singh, Param | Oracle. Contact through Oracle's counsel. | <i>Mr. Singh is the Senior Director of Java Product Management at Oracle. He was previously employed by Sun Microsystems. He will testify regarding Sun's Java licensing business and practices; Sun's efforts to prevent fragmentation of the Java platform and eco-system, including Sun's Java compatibility requirements; Sun's efforts to protect and enforce Java intellectual property; Sun's efforts to develop a smart phone software stack; the impact of Android on the Acadia project; and Java-related discussions between Sun and Google.</i> |

| 1 | Witness | Contact Information | Substance of Trial Testimony |
|----|----------------|---|---|
| 2 | Steele, Guy | Oracle. Contact through Oracle's counsel. | <i>Dr. Steele is a Software Architect at Oracle, and formerly at Sun Microsystems. He will testify regarding the development history, design, and innovations of the Java platform; the key developers involved in creating the Java platform; the creation and importance of the Java APIs; Sun's copyright registrations for Java; patented features of the Java platform; the effort and resources that Sun and Oracle have invested in developing Java; the nature of the Java SE, ME, and EE platforms; Sun's Java business and Java licensing; and Oracle's products that practice the asserted claims of the patents-in-suit</i> |
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Oracle may present live testimony from the following witnesses:

| 17 | Witness | Contact Information | Trial Testimony |
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| 18 | Angioletti, T.J. | Oracle. Contact through Oracle's counsel. | <i>Mr. Angioletti is an in-house attorney for Oracle. He may testify regarding the pre-lawsuit Java-related discussions between Google and Oracle, including the July 20, 2010 meeting between counsel for Google and Oracle.</i> |
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| 1 | Witness | Contact Information | Trial Testimony |
|---|----------------|--|--|
| 2 | Cizek, Leo | Oracle. Contact through Oracle's counsel. | <i>Mr. Cizek is an Account Manager, Java Licensing at Oracle. He may testify about Sun's and Oracle's Java business and Java licensing; efforts to prevent fragmentation of the Java platform and eco-system, including through Java compatibility requirements; Java-related discussions with Danger, Android, and Google; and the harm caused by Android.</i> |
| 3 | Goldberg, Ben | Expert retained by Oracle. Contact through Oracle's counsel. | <i>Dr. Goldberg is an expert retained by Oracle to testify regarding the validity of the patents-in-suit. He may testify regarding the matters disclosed in his August 25, 2011 expert report.</i> |
| 4 | Kearl, James | FRE 706 court-appointed expert. Contact through John Cooper, Esq., Farella Braun & Martel LLP. | Dr. Kearl is an expert appointed by the Court under FRE 706 to testify regarding damages. He may testify regarding the matters disclosed in his expert report to be submitted on November 14, 2011. |
| 5 | Kessler, Peter | Oracle. Contact through Oracle's counsel. | <i>Mr. Kessler is an Oracle engineer. He may testify regarding Oracle's products that practice the asserted claims of the patents-in-suit.</i> |
| 6 | Kurian, Thomas | Oracle. Contact through Oracle's counsel. | <i>Mr. Kurian is Oracle's Executive Vice President of Product Development. He may testify regarding Oracle's reasons for acquiring Sun Microsystems; the importance of Java to Oracle's business; Oracle's use and licensing of Java prior to its acquisition of Sun; the effort and resources that Oracle has invested in developing Java; Oracle's Java business and Java licensing; the pre-lawsuit Java-related discussions between Oracle and Google; and the harm caused by Android.</i> |
| 7 | Landau, Erez | Oracle. Contact through Oracle's counsel. | <i>Mr. Landau is an Oracle engineer. He may testify regarding the performance testing he conducted pertaining to the Android functionality accused of infringing the '720 patent, as disclosed in his August 8, 2011 report; and Oracle's products that practice the asserted claims of the patents-in-suit.</i> |
| 8 | Lee, Ben | Former Google. 604 Wellsbury Court, Palo Alto, CA 94306-3060. | <i>Mr. Lee was formerly an in-house attorney for Google. He is expected to testify regarding the pre-lawsuit Java-related discussions between Google and Oracle, including the July 20, 2010 meeting between counsel for Google and Oracle; and Google's awareness of Sun's and Oracle's Java intellectual property rights and the need for Google to obtain a Java license for Android.</i> |

| 1 | Witness | Contact Information | Trial Testimony |
|---|----------------------|---|---|
| 2 | McGuire, Joshua | Google. Contact through Google's counsel. | <i>Mr. McGuire is an in-house attorney for Google. He is expected to testify regarding the pre-lawsuit Java-related discussions between Google and Oracle, including the July 20, 2010 meeting between counsel for Google and Oracle; and Google's awareness of Sun's and Oracle's Java intellectual property rights and the need for Google to obtain a Java license for Android.</i> |
| 3 | McNealy, Scott | Former Sun. | <i>Mr. McNealy is the former Chief Executive Officer and Board Chairman of Sun Microsystems. He may testify regarding Sun's Java business and Java licensing; Java-related discussions between Sun and Google; Oracle's acquisition of Sun; the interest of Sun and its Board of Directors in preventing Java fragmentation, enforcing Java intellectual property rights, and protecting Java licensing revenue; and Sun's position regarding Google's release of Android and the harm caused by Android.</i> |
| 4 | Messinger, Adam | Oracle. Contact through Oracle's counsel. | <i>Mr. Messinger is Vice President Development at Oracle. He may testify regarding Oracle's Java business and Java licensing; and the harm caused by Android.</i> |
| 5 | Pampuch, John | Oracle. Contact through Oracle's counsel. | <i>Mr. Pampuch is an Oracle engineer. He may testify regarding Oracle's products that practice the asserted claims of the patents-in-suit.</i> |
| 6 | Periakaruppan, Nachi | Former Sun. | <i>Mr. Periakaruppan was formerly an employee of Sun Microsystems involved in marketing. He may testify regarding Sun's Java business and Java licensing; the 2005-2006 Java-related discussions between Sun and Google (Project Armstrong); and Sun's business model and projected revenues for Project Armstrong.</i> |
| 7 | Persi, Lino | Oracle. Contact through Oracle's counsel. | <i>Mr. Persi is a Sales Manager at Oracle. He may testify regarding Sun's and Oracle's Java business and Java licensing; and the harm caused by Android.</i> |
| 8 | Poore, Noel | Oracle. Contact through Oracle's counsel. | <i>Mr. Poore is an Oracle engineer. He may testify regarding the performance testing he conducted pertaining to the Android functionality accused of infringing the '702 and '520 patents, as disclosed in his August 8, 2011 report; Sun's efforts to develop a smart phone software stack; the impact of Android on the Acadia project; the harm caused by Android; and Oracle's products that practice the asserted claims of the patents-in-suit.</i> |

| 1 | Witness | Contact Information | Trial Testimony |
|---|----------------|---|--|
| 2 | Purdy, Alan | Expert retained by Oracle. Contact through Oracle's counsel. | <i>Mr. Purdy is an expert retained by Oracle to perform a comparison of certain Java and Android source code.</i> He may testify regarding the matters disclosed in his reports of July 29 and August 19, 2011. |
| 3 | Schulman, Eric | Google. Contact through Google's counsel. | <i>Mr. Schulman is an in-house attorney for Google.</i> He is expected to testify regarding the pre-lawsuit discussions between Google and Oracle regarding a Java license, including the July 20, 2010 meeting between counsel for the two sides; and Google's awareness of Sun's and Oracle's Java intellectual property rights and the need for Google to obtain a Java license for Android. |
| 4 | Serwin, Ken | Expert retained by Oracle. Berkeley Research Group. Contact through Oracle's counsel. | Mr. Serwin is an expert retained by Oracle who may testify as a rebuttal witness regarding damages. |
| 5 | Sutphin, Brian | Oracle. Contact through Oracle's counsel. | <i>Mr. Sutphin is a Senior Vice President at Oracle. He was formerly employed by Sun Microsystems.</i> He may testify regarding Sun's and Oracle's Java business and Java licensing; Oracle's acquisition of Sun; the interest of Sun and its Board of Directors in preventing Java fragmentation, enforcing Java intellectual property rights, and protecting Java licensing revenue; Sun's position regarding Google's release of Android; and the harm caused by Android. |
| 6 | Vandette, Bob | Oracle. Contact through Oracle's counsel. | <i>Mr. Vandette is an Oracle engineer.</i> He may testify regarding the performance testing he conducted pertaining to the Android functionality accused of infringing the '104 and '205 patents, as disclosed in his August 8, 2011 report; and Oracle's products that practice the asserted claims of the patents-in-suit. |
| 7 | Visnick, Marc | Expert retained by Oracle. Contact through Oracle's counsel. | <i>Mr. Visnick is an expert retained by Oracle to perform a comparison of certain Java and Android source code.</i> He may testify regarding the matters disclosed in his July 29, 2011 expert report. |
| 8 | Zavery, Amit | Oracle. Contact through Oracle's counsel. | <i>Mr. Zavery is Vice President, Product Management, Oracle Fusion Middleware.</i> He may testify regarding the importance of Java to Oracle's business; and the harm caused by Android. |

1 Oracle reserves the right to call any witness identified by Google. The above descriptions
 2 are not intended to cover every possible topic or sub-topic on which these witnesses may testify
 3 and are made without prejudice to Oracle eliciting other testimony, including without limitation
 4 testimony regarding matters addressed during the deposition of a given witness.

5 **II. DEPOSITION TESTIMONY**

6 Oracle reserves the right to present the deposition testimony of Google's corporate
 7 officers (Larry Page, Eric Schmidt, and Andy Rubin) and 30(b)(6) designees (Andy Rubin,
 8 Daniel Bornstein, and Patrick Brady) in addition to or in lieu of their live testimony. Oracle also
 9 reserves the right to present the deposition testimony of any witnesses listed above who are
 10 unavailable to testify at trial.

11 Oracle may present testimony from the following additional witnesses by deposition:

| 12 Witness | 13 Contact Information | 14 Trial Testimony |
|---|---|--|
| 15 Agarwal, Aditya | 16 Google. Contact 17 through Google's 18 counsel. | 19 Mr. Agarwal is a Senior Financial Analyst at 20 Google. He may testify regarding the benefits to 21 Google from Android; and Google's revenue and 22 profit projections for Android, including 23 advertising revenues. |
| 24 Camargo, Rafael (Motorola 30(b)(6) 25 witness) | 26 Motorola. Contact 27 through Tom 28 Pasternak, Esq., Steptoe & Johnson LLP, 115 South LaSalle Street, Suite 3100, Chicago IL 60603. | 29 <i>Mr. Camargo is Senior Director of BSP and Kernel at Motorola Mobility. He may testify regarding the installation of infringing components of Android code on Motorola's Android devices; and Motorola's development of Android applications, including use of the Android dx tool.</i> |
| 30 Miner, Rich | 31 Google Ventures. 32 Contact through 33 Google's counsel. | 34 <i>Mr. Miner was a co-founder of Android Inc. and was formerly involved in the development of Android at Google. He may testify regarding the development of Android and inclusion of Java technology therein; Google's awareness of Sun's Java intellectual property rights and the need for Google to obtain a Java license for Android; Google's Java-related discussions with Sun and Oracle; and facts relating to Google's willful patent and copyright infringement.</i> |

35 Oracle reserves the right to designate testimony from any witness identified by Google.
 36 The above descriptions are not intended to cover every possible topic or sub-topic on which
 37

1 Oracle may offer deposition excerpts and are made without prejudice to Oracle offering other
2 testimony.

Dated: October 7, 2011

MICHAEL A. JACOBS
MARC DAVID PETERS
DANIEL P. MUINO
MORRISON & FOERSTER LLP

By: /s/ Daniel P. Muino
DANIEL P. MUINO

Attorneys for Plaintiff
ORACLE AMERICA, INC.